

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**EVELYN BUTCHER**  
Plaintiff,

**V.**

**U.T. HOUSTON SCIENCE CENTER**  
Defendant.

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CIVIL ACTION NO. 4:08-CV-00244

**PLAINTIFF'S MEMORANDUM IN  
SUPPORT OF MOTION FOR VOLUNTARY DISMISSAL**

Plaintiff asks the court to dismiss his suit against defendants, as authorized by Federal Rule of Procedure 41 (a)(2).

1. Plaintiff is Evelyn Butcher; defendant is University of Houston Science Center, Houston.
2. Plaintiff sued defendant for Violation of Plaintiff's Rights under 42 U.S.C. § 2000e.
3. Plaintiff asks the court to dismiss her suit because she is not available to prosecute the case at this time.
4. The court may grant a motion for voluntary dismissal if the dismissal will not unfairly prejudice the nonmovant. *Versa Prods., Inc v. Home Depot, Inc.*, 387 F.3d 1325, 1327 (11<sup>th</sup> Cir. 2004); *Elbaror v. Tripath Imaging, Inc.*, 279 F.3d 314, 317 (5<sup>th</sup> Cir. 2002).
5. Plaintiff seeks a dismissal because she is not ready to prosecute this case at this time.
6. Plaintiff requests that the dismissal be without prejudice to refilling the suit .
7. Defendant will not be prejudice by the dismissal.
8. Defendant has not filed a counterclaim.
9. Plaintiff has not been granted a dismissal of an action based on or including the same claims as those presented in this suit.

10. Plaintiff asks the court to voluntarily dismiss this suit due to her inability to prosecute same at this time. For these reasons, plaintiff asks the court to dismiss the suit without prejudice.

Respectfully submitted,

By: \_\_\_\_\_/S/  
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Evelyn Butcher

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**ORDER ON MOTION TO DISMISS**

After considering Plaintiff's motion to dismiss and the response the court:

**GRANTS** the motion and dismisses the case without prejudice.

**SIGNED** on \_\_\_\_\_, 2011.

\_\_\_\_\_  
JUDGE PRESIDING

**CERTIFICATE OF SERVICE**

I certify that on February 1, 2011 a true and correct copy of Plaintiff's Motion for Voluntary Dismissal was served by the Southern District E-File System to all attorneys and parties involved.

\_\_\_\_\_  
/S/

John-Baptist Sekumade